

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IVAN R. BLACK,

Plaintiff,

v.

CASE NO. 2:11-14157
HON. AVERN COHN

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

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ORDER OF DISMISSAL

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Ivan R. Black is a state inmate at the Saginaw Correctional Facility in Freeland, Michigan. The defendant is the Federal Bureau of Investigation. Plaintiff filed his complaint and an application to proceed without prepayment of the fees and costs for this action on September 22, 2011. Because three or more of plaintiff's prior cases have been dismissed as frivolous or for failure to state a claim,¹ on October 3, 2010, a magistrate judge ordered Plaintiff to prepay the filing fee or to show cause why the complaint should not be dismissed under 28 U.S.C. § 1915(g).² The order also provided that failure to

¹See *Black v. Corr. Officers*, No. 2:10-cv-13368 (E.D. Mich. Sept. 9, 2010); *Black v. Mich. Dep't of Corr.*, No. 1:09-cv-01076 (W.D. Mich. Dec. 29, 2009); and *Black v. Mich. Dep't of Corr., et al.*, No. 2:08-cv-11197 (E.D. Mich. Apr. 14, 2008).

² Section 1915(g) provides:

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a

comply within thirty (30) days could result in dismissal. See Doc. 3.

To date, plaintiff has not paid the filing fee, but he did file a response to the show cause order. The response is virtually unintelligible. There is nothing in the response to show that any of plaintiff's prior dismissed complaints were not frivolous or failed to state a claim. He also has not shown in either the complaint or response to the show cause that he is in imminent danger of serious physical injury so as to excuse the pre-payment of the filing fee.

Accordingly, the complaint is DISMISSED without prejudice under 28 U.S.C. § 1915(g).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 8, 2011

I hereby certify that a copy of the foregoing document was mailed to Ivan Black, 497061, Saginaw Correctional Facility, 9625 Pierce Road, Freeland, MI 48623 on this date, November 8, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160

claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).